

**MEMO ENDORSED**

October 12, 2017

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S.D. OF N.Y.

Hon. Katherine Polk Failla  
Thurgood Marshal US Courthouse  
40 Foley Square, Room 618  
New York, NY 10007

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: October 16, 2017

**Re: Price v. Simmons et al; 1:15-cv-05871-KPF**  
**Extension of Time on Service & Notice of Intent to File a New Complaint**

Dear Judge Failla:

I am writing with regard to your August 30, 2017 order regarding service of the Fourth Amended Complaint (the "Complaint") on Officer Emmet. I am writing to request a second extension of time to serve the Complaint on Officer Emmet. The US Marshals have been unable to serve Officer Emmet, which leads me to believe that I may have been mistaken about the name of the officer I referred to as Officer Emmet in the Complaint. The officer I identified in the Complaint as Officer Emmet is a light skinned African American / Hispanic male, approximately 6 feet tall, 185-200lb in his late 20s or early 30s. I respectfully request that the Court issue a Valentin order for identification of the officer in question, and set a new deadline for serve the Complaint of November 17, 2017.

I am also writing to let the Court know that prior to October 6, 2017, I was planning to seek leave to amend my Complaint to include two incidents that occurred in July and August of 2017 that were similar to the events in the Complaint. In light of the Court's October 6, 2017 order, I request leave to amend to add these two related incidents OR I plan to file a new complaint regarding these incidents, which I will file as a related case.

Respectfully submitted,



Kelly Price, Pro Se Plaintiff

CC: Opposing Counsel (via ECF)

Application DENIED. The Court has afforded great latitude to Plaintiff's attempts to serve Officer Emmet, as has counsel for Defendants. (See Dkt. #91). Those attempts failed, and Plaintiff has not brought forth sufficient information to allow defense counsel to identify the officer who Plaintiff now seeks to serve.

In addition, the Court previously stated that Plaintiff may not amend her complaint once more at this time given the previous opportunities she has had to do so. (Dkt. #104). That ruling remains in effect.

Dated: October 16, 2017  
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA  
UNITED STATES DISTRICT JUDGE

*A copy of this Order was mailed by Chambers to:*

Kelly Price  
534 W. 187th Street  
Apt. #7  
New York, NY 10033